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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-02030-CM**

Rayner v. United States Department of Defense
Assigned to: Judge Colleen McMahon
Cause: 05:552 Freedom of Information Act

Date Filed: 03/08/2007
Date Terminated: 05/03/2010
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Martha Rayner

*International Justice Clinic, Lincoln
Square Legal Services, Fordham
University School of Law*

represented by **Martha Grace Rayner**

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V.

Defendant

United States Department of Defense

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Date Filed	#	Docket Text
03/08/2007	<u>1</u>	COMPLAINT against United States Department of Defense. (Filing Fee \$ 350.00, Receipt Number 608665)Document filed by Martha Rayner.(tro) (Entered: 03/09/2007)
03/08/2007		SUMMONS ISSUED as to United States Department of Defense, U.S. Attorney and U.S. Attorney General. (tro) (Entered: 03/09/2007)
03/08/2007		Magistrate Judge Ronald L. Ellis is so designated. (tro) (Entered: 03/09/2007)
03/08/2007		Case Designated ECF. (tro) (Entered: 03/09/2007)
03/19/2007	<u>3</u>	NOTICE OF CASE REASSIGNMENT to Judge Richard C. Casey. Judge Jed S. Rakoff is no longer assigned to the case. (jmi) (Entered: 04/02/2007)
03/19/2007		Mailed notice to the attorney(s) of record. (jmi) (Entered: 04/02/2007)
03/20/2007	<u>2</u>	AFFIDAVIT OF SERVICE. United States Department of Defense served on 3/9/2007, answer due 5/8/2007. Service was made by Mail. Document filed by Martha Rayner. (Rayner, Martha) (Entered: 03/20/2007)
04/10/2007	<u>4</u>	ANSWER to Complaint. Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Vargas, Jeannette) (Entered: 04/10/2007)

05/17/2007	<u>5</u>	<p>ORDER This case was assigned to Judge Richard Conway Casey, who passed away on 3/22/07. The case will be reassigned to a new judge in the near future. You will be notified of the reassignment on ECF (for ECF cases) or in a form to be mailed to you (for non-ECF cases). The parties in this case are ordered to review the attorney/party information on the docket sheet and determine whether the information presently listed is incorrect. If an error exists, the affected party must submit updated contact information no later than 5/30/07. Parties should take care to remove the contact information for attorneys no longer involved in the case and to enter appearances for any current attorneys who are not listed. The parties are also ordered to submit a joint summary of the case no later 5/30/07. The summary should be sent to Judge Caseys Chambers Attn: Law Clerks and will be provided to the new judge upon reassignment of the case. The Summary should be a bare statement of the case with any relevant procedural history. This includes, but is not limited to, the subject matter of the litigation, whether discovery is complete, whether the case is or has been before a magistrate judge, whether there are any motions or applications pending, and the subject matter of the pending motions or applications, if any. Be sure to indicate whether the parties have entered into a case management plan and list the relevant dates. The Summary is not a vehicle for arguing the merits of disputed issues and should be brief. If the defendant in this case has not yet appeared, the plaintiff should indicate this fact and need not make a joint submission. Parties in cases involving an incarcerated pro se litigant need not make a joint submission. Should matters arise prior to the reassignment, parties are directed to review the previously issued Notice to Parties with Pending Civil Cases Before Judge Casey, available at www.nysd.uscourts.gov and follow the directions therein. So Ordered. (Signed by Judge Kimba M. Wood on 5/16/07) (jco) (Entered: 05/24/2007)</p>
05/18/2007	<u>6</u>	<p>NOTICE OF CASE REASSIGNMENT to Judge Colleen McMahon. Judge Richard C. Casey is no longer assigned to the case. (jeh) (Entered: 05/30/2007)</p>
06/27/2007	<u>7</u>	<p>STANDING ORDER FOR CASES TRANSFERRED TO THE DOCKET OF THE HON. COLLEEN McMAHON FROM THE DOCKET OF THE HON. RICHARD CONWAY CASEY The following procedures will apply to all cases transferred from Judge Caseys docket to Judge McMahon:I. PROCEDURES FOR CASES IN WHICH THERE ARE NO PRO SE PARTIES:1. Individual Rules: First and most important, please download a copy of Judge McMahons Individual Rules, which can be found on the courts web site (www.nysd.uscourts.gov), under Judges Rules (click on Judge McMahons name). Read them carefully. Judge McMahons Rules differ somewhat from the rules of other judges. She expects counsel to be familiar with her rules and to follow them. 2. Compilation of Chambers Files: Judge McMahon will receive from Judge Caseys chambers a copy of the letter submitted by counsel pursuant to the Order of Chief Judge Wood dated May 16, 2007. She will also receive courtesy copies of motion papers. In order to assemble an up-to-date chambers file, she needs to receive the following from counsel: (A) If Judge Casey entered a scheduling order or a case management order, please mail or fax to chambers a courtesy copy of the most recent such order. (B) If your case has been referred to a magistrate judge for any purpose, please send a copy of the order of reference to chambers.(C) If a Joint Pre-Trial Order has been filed, please send a courtesy copy to chambers. 3. Discovery Deadlines Where Prior Scheduling Order in Place: If you have a scheduling order in place containing a discovery deadline that has not yet passed, please adhere to that deadline. Judge McMahon does NOT routinely grant adjournments or extend the time to complete discovery. She expects cases to be ready for trial within six months of the</p>

filing of the complaint (or, in the case of transferred cases, within six months from the date of transfer). If your discovery deadline has passed, she is not going to give you additional time to complete discovery even if you have not conducted any discovery to date. If you have a discovery schedule, the date by which you must submit your Joint Pre-Trial Order and other pre-trial papers required by Judge McMahan's Individual Rules is forty-five days after the discovery deadline. This rule supercedes any prior order of Judge Casey on this subject. If your discovery deadline passed more than 45 days ago, you have 45 days from the date of this order to submit a Final Pre-trial Order and you are subject to be called for trial on 48 hours notice, beginning August 15, 2007. Judge McMahan does not delegate to the magistrate judges authority to alter the discovery schedule that she sets. She will not honor any prior delegation of such authority made by Judge Casey. If you want the magistrate to have the authority to extend the discovery deadline from whatever it is today (whether that deadline was set by the Magistrate Judge or by Judge Casey), Judge McMahan will be happy to sign an order referring your case to the Magistrate Judge for all purposes, including trial. Unless you go to the Magistrate Judge for all purposes, Judge McMahan will retain control over your discovery deadline.

4. Case Management Orders In Cases Where None Has Been Entered: If you do NOT have a case management or scheduling order in place, you can put one in place in one of two ways: by consent of counsel or after a Rule 16 conference with Judge McMahan. Download Judge McMahan's form of scheduling order, which can be found on-line at www.nysd.uscourts.gov. If counsel can agree on a set of dates that gets the case ready for trial in six months from the date the case was transferred, fill out the order, sign it and submit it to the chambers via fax (212-805-6326) for the judges signature. Consent scheduling orders in transferred cases must be received in Chambers by July 13, 2007. If the time frame comports with the judges rules, she will sign the order and send you an order of reference to the magistrate judge for discovery supervision and non-dispositive motions. If counsel cannot agree on a scheduling order by July 13, 2007, you will be notified of the time and date for a Rule 16 conference, at which an order conforming to Judge McMahan's rules will be entered. Judge McMahan does NOT adjourn Rule 16 conferences except in extraordinary circumstances.

5. Joint Pre-Trial Orders Not Yet Filed: If the discovery deadline imposed by Judge Casey or the Magistrate Judges most recent case management order has passed but you have not filed a Joint Pre-Trial Order, you have forty-five days from the date of this order to file a Joint Pre-Trial Order, along with all other pre-trial papers required by Judge McMahan's Individual Rules. Papers to be filed along with the Joint Pre-Trial Order include proposed jury instructions (jury trials) or findings of fact and conclusions of law (bench trials), as well as trial briefs, if necessary. Do not file motions in limine. Motions in limine will be denied without prejudice if they are filed along with the Joint Pre-Trial Order. They should be filed when the case is noticed for a Final Pre-Trial Conference. **YOU MUST FILE THE JOINT PRE-TRIAL ORDER AND RELATED DOCUMENTS, EVEN IF YOU HAVE A MOTION FOR SUMMARY JUDGMENT PENDING OR YOU PLAN TO FILE SUCH A MOTION.** Judge McMahan does not waive the filing of trial-ready papers just because dispositive motions have been made or are contemplated. Judge McMahan will NOT grant any extension of the forty-five day deadline for filing trial-ready papers in cases in which discovery is, or should have been, completed. This order supercedes any other order previously entered by Judge Casey concerning the filing of a Joint Pre-Trial Order or other pre-trial papers.

6. Electronic Discovery: Judge McMahan's rules governing electronic discovery (which can be found at www.nysd.uscourts.gov) apply automatically to any case assigned to her docket unless and until the parties agree on a different electronic discovery order. If Judge Casey or a Magistrate Judge previously entered an electronic discovery order, that order will

		<p>control in your case; otherwise, you are subject to Judge McMahan's rules unless you present something different for her signature. 7. Special Rules for Section 1983 Cases: Counsel representing individual defendants in Section 1983 cases who are asserting the defense of qualified immunity should read Judge McMahan's Individual Rule concerning qualified immunity motions, and should take or complete the plaintiff's deposition and make the motion required by Judge McMahan's rules within sixty days of the date of this order, regardless of the state of discovery. Judge McMahan will not extend this deadline for any reason. Please read the rule carefully: Judge McMahan will not consider anything on a qualified immunity motion except the testimony of the plaintiff, which testimony must be taken prior to filing papers in support of the motion. Any defendant who does not make a motion as required by Judge McMahan's rules waives his right to have the issue of qualified immunity decided on motion prior to trial. 8. Special Rules for Patent Cases: Judge McMahan has procedures for handling patent cases that differ from her procedure in other cases. If your case is a patent case, you will be called in for a status conference. If you are presently engaged in discovery pursuant to a Scheduling Order entered by Judge Casey, please continue with discovery until your conference can be held. 9. Special Rules for IDEA and ERISA Denial of Benefits Cases: Instead of entering to a scheduling order that provides for discovery, either counsel should agree on a schedule for making cross-motions for summary judgment on the administrative record and submit that schedule to the Court, or the court will impose such a briefing schedule at a status conference. 10. Special Rules for Cases Subject to the Private Securities Litigation Reform Act: Judge McMahan will conference your case and set a schedule in keeping with the statute. II. FOR CASES IN WHICH THERE IS A PRO SE PARTY: In general, Judge McMahan's normal rules apply. Pro se parties, like all other parties, are required to become familiar with Judge McMahan's Individual Rules and to follow them. This section sets out any variations from her usual rules for cases in which any party is pro se. 1. Scheduling Order. If there is a scheduling order in place, please adhere to that scheduling order. The Magistrate Judge has authority in cases in which any party is pro se to extend the scheduling order for good cause shown. If there is no scheduling order in place, Judge McMahan will conference your case, set a scheduling order and issue an order of reference to the Magistrate Judge for discovery supervision. 2. Final Pre-Trial Orders: In cases involving pro se parties, the pro se party and parties represented by counsel file separate Pre-Trial Orders and related papers. All such papers are due forty-five days after the expiration of the discovery deadline. 3. Prisoner Cases: In cases involving incarcerated pro se parties, counsel for any represented party or parties shall arrange for a copy of all scheduling orders, orders of reference, pending motion papers and other papers needed to assemble an up-to-date chambers file to be forwarded to chambers. (Signed by Judge Colleen McMahan on 06/27/2007) (mj) (Entered: 06/28/2007)</p>
07/19/2007	8	<p>LETTER addressed to Judge Richard Conway Casey from Jeannette A. Vargas dated 6/5/07 re: Counsel for defendants write on behalf of the parties to this action, in response to Chief Judge Wood's 5/16/07 Order, requesting that we jointly submit a summary of the procedural history of this action; Ok - File. (ae) (Entered: 07/23/2007)</p>

05/03/2010

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STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, with prejudice against the defendant(s) all parties and without costs to either party pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by United States Department of Defense.(Vargas, Jeannette) (Entered: 05/03/2010)

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